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Attorneys for Defendant  
SAN FRANCISCO HOUSING AUTHORITY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AHSAN KHAN AND SALEHA KHAN,  
individually and on behalf of their minor  
children, IRFAN KHAN, ASIF KHAN,  
NOREEN KHAN, KAYNAT KHAN,  
LAIBA KHAN and BILAL KHAN, and  
RHEANNA KHAN, individually,

Plaintiff,

vs.

SAN FRANCISCO HOUSING  
AUTHORITY,

Defendants.

Case No.: CV 07-6209 CW

**AMENDED NOTICE OF  
DEFENDANT SAN FRANCISCO  
HOUSING AUTHORITY'S MOTION  
TO DISMISS THE THIRD AND  
FOURTH CLAIMS FOR RELIEF IN  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT  
[FED.R.CIV.P. RULE 12(b)(6)]**

**Date: May 1, 2008**

**Time: 2:00 p.m.**

**Courtroom: 2, 4th Floor**

**Judge: Hon. Claudia Wilken**

TO PLAINTIFFS AHSAN KHAN AND SALEHA KHAN, individually and on behalf of  
their minor children, IRFAN KHAN, ASIF KHAN, NOREEN KHAN, KAYNAT KHAN,  
LAIBA KHAN and BILAL KHAN, and RHEANNA KHAN, individually, AND THEIR  
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, due to the reassignment of this case to the Honorable  
Claudia Wilken and the Case Management Scheduling Order, the Motion of Defendant San  
Francisco Housing Authority for dismissal, with prejudice, of Plaintiffs' Third and Fourth

Accordingly, PLEASE TAKE NOTICE that Defendant will comply with the Court's Case Management Scheduling Order and hereby amends its notice setting forth the hearing for **May 1, 2008, at 2:00 p.m.**, or soon thereafter as counsel may be heard, in **Courtroom 2** of the above-entitled court located at 1301 Clay Street, Oakland, California, Defendant San Francisco Housing Authority will move and does hereby move for dismissal, with prejudice, of Plaintiffs' Third and Fourth Claims for Relief in their First Amended Complaint. This Motion is brought pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure on the following grounds:

1. The Third Claim for Relief alleging violation of the California Fair Housing and Employment Act is barred by the provisions of California Government Code section 954.6;
2. The Fourth Claim for Relief alleging violation of the California Unruh Act is barred by the provisions of California Government Code section 954.6;
3. No leave to amend should be granted as Plaintiff's Third and Fourth Claims for Relief cannot be cured by amendment, and should be dismissed for failure to state a claim, with prejudice.

This Motion is based on this Amended Notice of Motion and Motion, the previously filed and served Memorandum of Points and Authorities, the Request for Judicial Notice, the Court file in this action, and such other evidence or memoranda as may be received by the Court at or in connection with the hearing of this Motion.

DATED: March 31, 2008

CHOLAKIAN &amp; ASSOCIATES

By:                     /S/                      
           Kevin C. Cholakian  
           Vivian Leung Lerche  
 Attorneys for Defendant  
 SAN FRANCISCO HOUSING  
 AUTHORITY